

**Docket Number:** T14-0105  
**Bench Date:** 1/28/15  
**Deadline:** N/A

**MEMORANDUM**

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**TO:** The Commission

**FROM:** Latrice Kirkland-Montaque, Chief Administrative Law Judge

**DATE:** January 16, 2015

**SUBJECT:** Illinois Central Railroad Company,  
Petitioner,

v.

Will County,  
Respondent.

Petition of the Illinois Central Railroad Company seeking an order of the Illinois Commerce Commission authorizing the modification of an existing grade separation structure that carries tracks over Brandon Road (DOT 289773T) by adding a third span for a third rail at that location parallel to the existing tracks and spans near Joliet in Unincorporated Will County, Illinois.

**RECOMMENDATION:** Enter Order.

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On September 5, 2014, Illinois Central Railroad Company ("IC") filed a verified petition seeking authorization from the Commission to add a third span for a proposed third rail adjacent to the current rail-over-highway spans at the grade separation at Brandon Road near Joliet in unincorporated Will County, Illinois. The County is the road authority for Brandon Road.

Currently, two separate, adjacent bridge spans each carry a single railroad track over Brandon Road. Union Pacific Railroad Company ("UP") owns and operates the northernmost span. IC owns the southernmost span. UP currently operates trains on both its own span and on IC's span (via lease of IC's track) to bring loaded coal cars and remove empty coal cars from a nearby coal-fired power plant operated by NRG Energy (formerly operated by Midwest Generation). There are no passenger operations on either span.

The new rail line over the new span will support a new track located south but immediately adjacent to the existing spans to handle bulk commodity trains destined to the new Joliet Bulk Barge and Rail North Laraway Terminal ("Terminal") facility being

constructed to provide transload and storage for bulk commodities. There are currently approximately 40 loaded and empty coal trains per month for NRG Energy. IC expects approximately 60 loaded and empty trains per month for the Terminal.

The additional span is necessary to provide uninterrupted, direct service to both NRG Energy and the new Terminal at the same time. IC anticipates that construction of the new span and track should be completed in the first quarter of 2015. No public funding will be involved in the project.

The proposed vertical clearance beneath the proposed span is 12'9", with a vertical clearance for a protection beam underneath the span at 12'6". The existing vertical clearances for the current spans and their protection beams are all 12'6". The posted vertical clearance for the existing spans is 12'1".

Respondent, Will County, desires the proposed vertical clearance for the new span to be in excess of 13'6", which is the maximum height of vehicles allowed on a State highway. The objective would be that the new span would then result in an overall higher clearance at the location in case the current spans were removed because of abandonment of the tracks they carry.

A higher clearance as sought by the County will not result in any increased safety at this location because the current spans will remain in place at their current clearances, and the new span will not decrease available clearances.

Staff has no objection to IC's Petition with the proposed clearances because the Commission's Administrative Rules, 92 Ill. Adm. Code 1500.160, do not govern vertical clearances of railroad track bridges spanning over highways.

A Proposed Order granting the IC's Petition was served on all parties and no Briefs on Exceptions were filed.

I recommend entry of the attached Order granting the Petition.